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(erroneously served and sued as Caterpillar, Inc.)

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

NINILCHIK CHARTERS, LLC,

Plaintiff,

vs.

CATERPILLAR, INC., a Delaware  
corporation,

Defendant.

Case No. 3:04-cv-250 (TMB)

**PROPOSED ORDER GRANTING MOTION  
TO STRIKE THE AFFIDAVIT OF ROBERT WILKISON FILED IN  
OPPOSITION TO CATERPILLAR'S MOTION FOR SUMMARY JUDGMENT**

Having considered the Motion to Strike the Affidavit of Robert Wilkison Filed in Opposition to Caterpillar's Motion for Summary Judgment, any opposition thereto, and being otherwise fully advised in the premises,

**IT IS THEREFORE ORDERED** that the Motion to Strike the Affidavit of Robert Wilkison Filed in Opposition to Caterpillar's Motion for Summary Judgment is granted.

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Timothy M. Burgess  
Judge of the U.S. District Court

Certificate of Service

I hereby certify that on May 3, 2006, a copy of the foregoing Proposed Order Granting Motion for Summary Judgment by Defendant Caterpillar Inc. was served electronically on:

Leonard R. Anderson  
Davis, Randall, Anderson, & Mathis, PC  
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s/ Frank A. Pfiffner